

FILED
5/1/23 8:55 am
CLERK
U.S. BANKRUPTCY
COURT - WDPA

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: CASE NO. 17-23368-GLT

Patrick W. Dennison, and Chapter 13
Desiree M. Dennison,
Debtor(s). Related to Doc. 91, 96 and 98

Ronda J. Winnecour, Chapter 13
Trustee,
Movant(s),

vs.
Patrick W. Dennison, and
Desiree M. Dennison,
Respondent(s).

CONSENT ORDER OF COURT

WHEREAS, Trustee is in receipt of non-specific lump sum payment(s) in the respective amounts of \$3,936.00 (posted on 3/20/23) and \$22,385.15 (posted 3/21/23) for a total of \$26,321.15 (the "Lump Sums");

WHEREAS, pursuant to an affidavit filed at Doc 98, the source of the funds was a withdrawal from a 401k account (and not a loan as originally believed);

WHEREAS, a dispute has arisen between the parties as to the effect of the withdrawal on the plan and, specifically, whether the withdrawal rendered the proceeds non-exempt and therefore available for distribution to unsecured creditors;


WHEREAS, the parties (those being the Trustee and the Debtor(s)) have communicated regarding a resolution of the putative issues including the Trustee's pending motion to dismiss the case; and

NOW THEREFORE, to avoid further time, expense, and delay in resolving the matter, the parties agree as follows:

- (1) The Lump Sums shall be dedicated to the plan arrears (and be distributed in accordance with the plan (as it is to be amended));

- (2) To facilitate the completion of their case, the Debtor(s) will file an amended plan within 21 days of the date of this Order that will specially classify student loan creditors, for the purpose of ensuring that the \$15,455 allocated to unsecured creditors in the current plan is paid to dischargeable unsecured creditors in Part 5.1 of the amended plan; and
- (3) In consideration of the foregoing, the Trustee withdraws her oral motion (at Doc 91) to dismiss the case and requests that the May 9, 2023, hearing be cancelled.

So Ordered, this 1st Day of May, 2023


Gregory J. Taddonio, Chief Judge
United States Bankruptcy Court

Consent to:

By: /s/ Owen W. Katz
Owen W. Katz
US Steel Tower, Suite 3250
600 Grant Street
Pittsburgh, PA 15219
(412) 471-5566
okatz@chapter13trusteewdpa.com
Attorney for Trustee

By: /s/ Kenneth Steidl
Kenneth Steidl, Esquire
STEIDL & STEINBERG
Suite 2830, Gulf Tower
707 Grant Street
Pittsburgh, PA 15219
(412) 391-8000
ken.steidl@steidl-steinberg.com
Attorney for the Debtor(s)

In re:
Patrick W. Dennison
Desiree M. Dennison
Debtors

Case No. 17-23368-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: May 01, 2023

User: auto
Form ID: pdf900

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
--------	------------

+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
---	--

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 03, 2023:

Recip ID	Recipient Name and Address
db/jdb	+ Patrick W. Dennison, Desiree M. Dennison, 1035 Granite Drive, Mc Donald, PA 15057-2519

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 03, 2023

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 1, 2023 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor PENNYMAC LOAN SERVICES LLC bnicholas@kmlawgroup.com
CSU - OUCTS, PA Labor & Industry	ra-li-ucts-bankpitts@state.pa.us
Harry B. Reese	on behalf of Creditor PENNYMAC LOAN SERVICES LLC bankruptcy@powerskirn.com
Jerome B. Blank	on behalf of Creditor FBC Mortgage LLC jblank@pincuslaw.com
Jill Manuel-Coughlin	on behalf of Creditor PENNYMAC LOAN SERVICES LLC bankruptcy@powerskirn.com
Kenneth Steidl	on behalf of Debtor Patrick W. Dennison julie.steidl@steidl-steinberg.com

District/off: 0315-2

User: auto

Page 2 of 2

Date Rcvd: May 01, 2023

Form ID: pdf900

Total Noticed: 1

ken.steidl@steidl-steinberg.com;ifriend@steidl-steinberg.com;asteidl@steidl-steinberg.com;todd@steidl-steinberg.com;rlager@steidl-steinberg.com;trose@steidl-steinberg.com

Kenneth Steidl

on behalf of Joint Debtor Desiree M. Dennison julie.steidl@steidl-steinberg.com
ken.steidl@steidl-steinberg.com;ifriend@steidl-steinberg.com;asteidl@steidl-steinberg.com;todd@steidl-steinberg.com;rlager@steidl-steinberg.com;trose@steidl-steinberg.com

Maria Miksich

on behalf of Creditor PENNYMAC LOAN SERVICES LLC mmiksich@kmlawgroup.com

Mario J. Hanyon

on behalf of Creditor FBC Mortgage LLC wbecf@brockandscott.com, mario.hanyon@brockandscott.com

Office of the United States Trustee

ustpreion03.pi.ecf@usdoj.gov

Robert Davidow

on behalf of Creditor FBC Mortgage LLC robert.davidow@phelanhallinan.com

Ronda J. Winnecour

cmecf@chapter13trusteewdpa.com

Thomas Song

on behalf of Creditor FBC Mortgage LLC pawb@fedphe.com

TOTAL: 13